

Of Counsel:  
MYHRE & STORM

JAMES V. MYHRE #5092-0  
[jmyhre@mtmhawaiiilaw.com](mailto:jmyhre@mtmhawaiiilaw.com)  
BRENT K. WILSON #10518-0  
[bwilson@mtmhawaiiilaw.com](mailto:bwilson@mtmhawaiiilaw.com)  
1003 Bishop Street, Suite 1290  
Honolulu, Hawaii 96813  
Telephone (808) 524-2466

Attorneys for Defendant  
RAIED J. ALFOUADI

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

DAVID DEMAREST and GREEN	)	CASE NO. 22-CV-00064-JAO-KJM
MOUNTAIN MYCOSYSTEMS	)	(In Admiralty)
LLC,	)	
	)	DEFENDANT RAIED J. ALFOUADI'S
Plaintiffs,	)	OBJECTIONS TO PLAINTIFFS
	)	DAVID DEMAREST and GREEN
vs.	)	MOUNTAIN MYCOSYSTEMS LLC'S
	)	EXHIBITS; CERTIFICATE OF
RAIED J. ALFOUADI; DOE	)	SERVICE
DEFENDANTS 1-20, DOE	)	
CORPORATIONS, 1-20, DOE	)	
GOVERNMENT AGENCIES 1-20,	)	
DOE PARTNERSHIPS 1-20,	)	
	)	
Defendants.	)	Trial: August 19, 2024
	)	Judge: Honorable Jill A. Otake
	)	
	)	
	)	
	)	

---

DEFENDANT RAIED J. ALFOUADI'S OBJECTIONS  
TO PLAINTIFFS DAVID DEMAREST and GREEN  
MOUNTAIN MYCOSYSTEMS LLC'S EXHIBITS

Defendant RAIED J. ALFOUADI ("Alfouadi"), by and through his attorneys, MYHRE & STORM, hereby submits his ObjectionS to Plaintiffs David Demarest and Green Mountain Mycosystems LLC's Exhibits as follows:

<b>Plaintiffs' Exhibit</b>	<b>Position</b>
1 - Timeline of Salvage	Objection. <i>FRE</i> 802 (hearsay), <i>FRE</i> 403 (cumulative).
2 - Expense Spreadsheet	Objection. Foundation (necessary and reasonable), <i>FRE</i> 802 (hearsay).
3 - Scopic Expense Spreadsheet	Objection. Foundation (necessary and reasonable), <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (confusion of issues).
4 - DOBOR Memo Re Insurance Requirements	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 802 (hearsay).
5 - USCG Boating Accident Report	Admit
6 - US Open Form Salvage Agreement	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues).
7 - Affidavit of Facts	Objection. <i>FRE</i> 403 (unfair prejudice, cumulative), <i>FRE</i> 802 (hearsay).
8 - Photo- Mala Wharf with Wreckage	Admit
9 - Photo- Raid with saved boat parts	Admit
10 - Photo- view of welding shop	Admit

<b>Plaintiffs' Exhibit</b>	<b>Position</b>
11 - Photo- items for sale on CL	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 802 (hearsay).
12 - Photo - Box of Supplies to Lahaina Welding	Objection. Foundation, <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (confusion of issues).
13 - Photo- Mast touching Mala Wharf	Admit
14 - Photo- Motor salvaged from Alfouadi boat	Objection. Not produced before discovery cutoff, foundation, the 7/14/24 photo date, <i>FRE</i> 402 (irrelevant).
15 - Photo- satellite view Mala Wharf	Admit
16 - Photo- working on vessel	Admit
17 - Photos- additional photos of wreckage	Admit, except transmittal letter.
18 - Draft Written Agreement to Alfouadi	Objection. Foundation, <i>FRE</i> 402 (irrelevant), <i>FRE</i> 802 (hearsay).
19 - E Court Kokua Citation- Alfouadi	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 404 (inadmissible character).
20 - E Court Kokua Citation- Alfouadi	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 404 (inadmissible character).
21 - E Court Kokua Citation- Alfouadi	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 404 (inadmissible character).
22 - Email from Russell Sparks re Reef Area	Admit.

<b>Plaintiffs' Exhibit</b>	<b>Position</b>
23 - Emails between Plaintiff and Jeff of State Farm	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 411 (liability insurance), <i>FRE</i> 802 (hearsay).
24 - Emails between DLNR and Plaintiff Jan 2022	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 802 (hearsay).
25 - Text from Alfouadi to McCarthy re State Farm Claim	Objection. Foundation, <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues).
26 - Texts between Plaintiff and Jeff Pratt	Objection. Foundation, <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 802 (hearsay).
27 - Video of wreckage- night footage of debris	Admit
28 - Video of wreckage- more night footage of debris	Admit
29 - Video of wreckage- items in Plaintiff's truck and piles of debris	Admit
30 - Video of wreckage- more debris from Plaintiff's truck	Admit
31 - Video of wreckage- more debris from Plaintiff's truck, metal screws, etc.	Admit

<b>Plaintiffs' Exhibit</b>	<b>Position</b>
32 - Video of wreckage- possible foot infection	Admit.
33 - Video of wreckage- video of ropes, cords, debris	Admit.
34 - Video of wreckage- more video of ropes, cords, debris	Admit.
35 - Video of wreckage- video of working	Admit.
36 - Alfouadi Boat claim	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 811 (liability insurance), <i>FRE</i> 802 (hearsay).
37 - Alfouadi Boat claim	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 811 (liability insurance), <i>FRE</i> 802 (hearsay).
38 - Alfouadi Boat claim	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 811 (liability insurance), <i>FRE</i> 802 (hearsay).
39 - Various receipts from Salvage	Objection. Foundation (necessary and reasonable).
40 - Plaintiff's Answers to First Request for Answers to Interrogatories	Objection. <i>FRE</i> 403 (unfair prejudice, confusion of issues, cumulative), <i>FRE</i> 802 (hearsay).

<b>Plaintiffs' Exhibit</b>	<b>Position</b>
41 - File Stamped Plaintiff Expert Disclosures and Reports	Objection. <i>FRE</i> 403 (cumulative), <i>FRE</i> 802 (hearsay).
42 - Sebastian Coppes CV	Objection. <i>FRE</i> 403 (cumulative), <i>FRE</i> 802 (hearsay).
43 - Sebastian Coppes Fee Schedule	Objection. <i>FRE</i> 403 (cumulative), <i>FRE</i> 802 (hearsay).
44 - Preliminary Scopic Sheet	Objection. Foundation (necessary and reasonable), <i>FRE</i> 802 (hearsay).
45 - File Stamped Defense Expert Disclosure	Objection. <i>FRE</i> 403 (cumulative), <i>FRE</i> 802 (hearsay).
46 - Defense expert CV	Objection. <i>FRE</i> 403 (cumulative), <i>FRE</i> 802 (hearsay).
47 - Lloyds Standard Form Salvage Agreement	Objection. Foundation.
48 - USCG BOA rates	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 802 (hearsay).
49 - Handwritten DLNR Notes (Cory Fernandez)	Objection. <i>FRE</i> 802 (hearsay).
50 - Report of DLNR Officer Cory Fernandez	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 802 (hearsay).
51 - Brooks Bell Defense Expert Report-Sep 12, 2023	Objection. <i>FRE</i> 403 (cumulative), <i>FRE</i> 802 (hearsay).
52 - Appendix A - Scopic Rules	Admit.

<b>Plaintiffs' Exhibit</b>	<b>Position</b>
53 - Article- Nakoa Running Aground	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 802 (hearsay).
54 - Nakoa Vessel Fine	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 802 (hearsay).
55 - DLNR Enforcement Action vs. Blaze	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 802 (hearsay).
56 - Jeff Pratt - Timesheet	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 802 (hearsay).
57 - Emails- re State Farm claim	Admit.
58 - Emails- re State Farm claim	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 802 (hearsay).
59 - Emails- re State Farm claim	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 802 (hearsay).
60 - Emails -re State Farm claim	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 802 (hearsay).
61 - Emails- re State Farm claim	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 802 (hearsay).
62 - Emails- re State Farm claim	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 802 (hearsay).
63 - Emails- re State Farm claim	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 802 (hearsay).
64 - Jeff Pratt- text to Plaintiff re work on salvage	Objection. <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 802 (hearsay).
65 Ace Hardware- receipt 1	Objection. Foundation (necessary and reasonable).

<b>Plaintiffs' Exhibit</b>	<b>Position</b>
66 - Ace Hardware - receipt 2	Objection. Foundation (necessary and reasonable).
67 - B&H receipt	Objection. Foundation (necessary and reasonable).
68 - Plaintiff truck photos	Objection. Foundation (necessary and reasonable).
69 - Foodland receipts	Objection. Foundation (necessary and reasonable).
70 - Fuel receipts	Objection. Foundation (necessary and reasonable).
71 - Home Depot - receipt 1	Objection. Foundation (necessary and reasonable).
72 - Home Depot- receipt 2	Objection. Foundation (necessary and reasonable).
73 - Home Depot- refund	Objection. Foundation (necessary and reasonable).
74 - Kahului - receipt	Objection. Foundation (necessary and reasonable).
75 - Longs Drugs- receipt 1	Objection. Foundation (necessary and reasonable).
76 - Longs Drugs- receipt 2	Objection. Foundation (necessary and reasonable).
77 - Longs Drugs- receipt 3	Objection. Foundation (necessary and reasonable).
78 - Maui Sports- receipt	Objection. Foundation (necessary and reasonable).
79 - Maui Sports- receipt	Objection. Foundation (necessary and reasonable).
80 - Maui Sports- receipt	Objection. Foundation (necessary and reasonable).



<b>Plaintiffs' Exhibit</b>	<b>Position</b>
81 - Maui Sports-receipt	Objection. Foundation (necessary and reasonable).
82 - Maui Sports - receipt	Objection. Foundation (necessary and reasonable).
83 - Misc receipt	Objection. Foundation (necessary and reasonable).
84 - NAPA receipt	Objection. Foundation (necessary and reasonable).
85 - O'Reilly receipt	Objection. Foundation (necessary and reasonable).
86 - Payment for Lift bags	Objection. Foundation (necessary and reasonable).
87 - Payment for Salvage Truck	Objection. Foundation (necessary and reasonable).
88 - Target receipt	Objection. Foundation (necessary and reasonable).
89 - Tractor receipt	Objection. Foundation (necessary and reasonable).
90 - Walgreens receipt	Objection. Foundation (necessary and reasonable).
91 - Webpayment for Dumpsters	Objection. Foundation (necessary and reasonable).
92 - Webpayment for Dumpsters	Objection. Foundation (necessary and reasonable).
93 - West Side Tow invoice	Objection. Foundation (necessary and reasonable).
94 - State Farm Dec Page- Alfouadi policy	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 411 (liability insurance), <i>FRE</i> 802 (hearsay).
95 - Deposition Transcript- David Demarest	Objection. Witness unavailability has not been shown, <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (undo prejudice, confusion of issues, cumulative), <i>FRE</i> 411 (liability insurance), <i>FRE</i> 802 (hearsay).

<b>Plaintiffs' Exhibit</b>	<b>Position</b>
96 - Deposition Transcript- Raied Alfouadi	Objection. Witness unavailability has not been shown, <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (undo prejudice, confusion of issues, cumulative), <i>FRE</i> 411 (liability insurance), <i>FRE</i> 802 (hearsay).
97 - Deposition Transcript- Sebastian Coppes	Objection. Witness unavailability has not been shown, <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (undo prejudice, confusion of issues, cumulative), <i>FRE</i> 411 (liability insurance), <i>FRE</i> 802 (hearsay).
98 - Deposition Transcript- Cory Fernandez	Objection. Witness unavailability has not been shown, <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (undo prejudice, confusion of issues, cumulative), <i>FRE</i> 411 (liability insurance), <i>FRE</i> 802 (hearsay).
99 - Deposition Transcript- Jeff Pratt	Objection. Witness unavailability has not been shown, <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (undo prejudice, confusion of issues, cumulative), <i>FRE</i> 411 (liability insurance), <i>FRE</i> 802 (hearsay).
100 - State Farm Negligence Exclusion	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 411 (liability insurance), <i>FRE</i> 802 (hearsay).
101 - Video- night footage of debris	Objection. Video was not produced before the discovery cutoff. <i>FRE</i> 403 (cumulative),
102 - Video- Plaintiff working while Alfouadi slept	Objection. Video was not produced before the discovery cutoff. <i>FRE</i> 403 (cumulative).
103 - Video- Dust extraction	Admit.
104 - Credit report for Plaintiff after salvage- Debt too high	Objection. <i>FRE</i> 402 (irrelevant), <i>FRE</i> 403 (unfair prejudice, confusion of issues), <i>FRE</i> 802 (hearsay), incomplete document.

<b>Plaintiffs' Exhibit</b>	<b>Position</b>
105 - Photo- Keel removed	Objection. Photo was not produced before the discovery cutoff. <i>FRE</i> 403 (cumulative).
106 - Photo- large debris	Objection. Photo was not produced before the discovery cutoff. <i>FRE</i> 403 (cumulative).
107 - Video- progress on the 6th	Admit.
108 - Video- floating out large debris	Admit.
109 - Photo- removal of fuel tank	Objection. Photo was not produced before the discovery cutoff. <i>FRE</i> 403 (cumulative).
110 - Video- underwater debris by wharf	Objection. Video was not produced before the discovery cutoff. <i>FRE</i> 403 (cumulative).
111 - Photo- volunteers	Objection. Photo was not produced before the discovery cutoff. <i>FRE</i> 403 (cumulative).
112 - Plaintiff's David Demarest's Answers to Raied Alfouadi's First Request for Admissions	Objection. Untimely, in violation of Rule 36 of Federal Rules of Civil Procedure.

DATED: Honolulu, Hawaii, August 5, 2024.

/s/ James V. Myhre

JAMES V. MYHRE

BRENT K. WILSON

Attorneys for Defendant

RAIED J. ALFOUADI